

Town Board Minutes

January 17, 2006

Meeting No.3

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17th day of January at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- sex offender residency amendment to the Code of the Town of Lancaster
- Depew Branch Library

Miller, Gabrielle, 61 Olmstead Avenue, spoke to the Town Board on the following matters:

- Depew Branch Library
- sex offender registry

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- home construction on William Street
- Nicholas Heights Subdivision

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:

- book related to the history & architecture of Lancaster

Mohr, Marguerite, 53 Brewster Street, spoke to the Town Board on the following matter:

- Depew Branch Library

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster for parking, standing and stopping on Central Avenue.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Donald Symer	610 Columbia Avenue	Proponent

ON MOTION BY COUNCIL MEMBER AMATURA, AND SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:36 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

January 17, 2006

PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:

At 8:36 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Wassim Issa for a rezone of property located at 470 Aurora Street.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Ralph Lorigo, Attorney representing petitioner, Wassim Issa		Proponent
Donald Symer	610 Columbia Avenue	Comments
Richard Korcz	4946 William Street	Opponent
Lee Chowaniec	93 Northwood Drive	Opponent
Penny Stoeckl	462 Aurora Street	Opponent
Chris Aldridge	463 Aurora Street	Opponent
Laurie Solecki	4952 William Street	Opponent
Mike Fronczak	3 Woodstream Drive	Questions
Cindy Baker	4942 William Street	Opponent
Dan Beutler	26 Tyler Street	Opponent

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:26 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

January 17, 2006

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 9:26 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed one year contract for fire services by Bowmansville Volunteer Fire Association.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Mark Lawniczak	61 Heritage Drive	Comments/Questions
Roy Schneggenburger	87 Stony Road	Comments

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER STEMPIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:42 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

January 17, 2006

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 9:42 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed one year contract for fire services by Millgrove Volunteer Fire Department, Inc.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
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None

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:42 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

January 17, 2006

PUBLIC HEARING SCHEDULED FOR 8:50 P.M.:

At 9:44 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed one year contract for fire services by Town Line Volunteer Fire Department , Inc.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER STEMPNIAK , FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:45 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

January 17, 2006

PUBLIC HEARING SCHEDULED FOR 8:55 P.M.:

At 9:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed one year contract for fire services by Twin District Volunteer Fire Company, Inc.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Charles Batterson	23 Old Post Road	Comments

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:48 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

January 17, 2006

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held January 3, 2006 and the Organizational and Regular Meeting of the Town Board held January 3, 2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 17, 2006

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

WHEREAS, funds have been provided in the current 2006 General Town Budget for the 2006 Tree Planting Program, and

WHEREAS, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York,

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That sealed bids be received by the Town Clerk up to 10:00 A.M., Local Time, on February 2, 2006 for meeting the requirements of the Town of Lancaster's 2006 Tree Planting Program and for supplying of trees in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES

January 17, 2006

FILE: RBOTREES (P1)

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
OR NURSERYMEN**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk or her designee up to 10:00 A.M., Local Time, on February 2, 2006 at her office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 2006 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility in the Town of Lancaster, on property owned by the Twin District Volunteer Fire Co., Inc., at 4999 William Street in said Town for the years 2006 and 2007, and

WHEREAS, the Town Attorney has prepared and filed with the Town Clerk, an Agreement setting forth the terms upon which such recreational area will be utilized by the Town of Lancaster;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

- 1. That the Supervisor be and hereby is authorized and directed to execute an Agreement between the Town of Lancaster and the Twin District Volunteer Fire Co., Inc., for the Lease by said Association to the Town of Lancaster of its play area on its premises at 4999 William Street in Lancaster, for the operation of the Town’s Recreation Program during its normal summer season for the years of 2006 and 2007, and
- 2. That the Town Attorney make distribution of executed copies of said Agreement to the appropriate parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a Public Hearing was held on the 17th day of January, 2006 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on January 17, 2006;
3. That a Certified Copy thereof be published in the Lancaster Bee on January 19, 2006;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES

COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 17, 2006

LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE X - Parking, Standing and Stopping.

46-12. Parking prohibited in designated locations, is hereby amended by adding thereto the following:

A.

- 66. On the west side of Central Avenue from a point 40 feet north of the existing 35-mph Speed Sign south to the intersection of Country View Way.**
- 67. On the west side of Central Avenue from the south curb line of Country View Way, south for a distance of 215 feet.**
- 68. On the west side of Central Avenue from the north curb line Kennedy Court, north for a distance of 270 feet.**
- 69. On the west side of Central Avenue from the south curb line of Kennedy Court, south for a distance of 150 feet.**
- 70. On the west side of Central Avenue from the north curb line of Columbia Avenue, north for a distance of 270 feet.**

and

ARTICLE X - Parking, Standing and Stopping

46-13. Standing prohibited in designated locations, is hereby amended by adding thereto the following:

A.

- 66. On the west side of Central Avenue from a point 40 feet north of the existing 35-mph Speed Sign south to the intersection of Country View Way.**
- 67. On the west side of Central Avenue from the south curb**

line of Country View Way, south for a distance of 215 feet.

68. On the west side of Central Avenue from the north curb line Kennedy Court, north for a distance of 270 feet.
69. On the west side of Central Avenue from the south curb line of Kennedy Court, south for a distance of 150 feet.
70. On the west side of Central Avenue from the north curb line of Columbia Avenue, north for a distance of 270 feet.

January 17, 2006

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 17th day of January, 2006 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 17th day of January, 2006.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Advantage Trucks & Salvage Inc., 933 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 933 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review, and

WHEREAS, the Building Inspector has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

NOW, THEREFORE, BE IT

RESOLVED, that Advantage Trucks & Salvage Inc., 933 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 933 Ransom Road, Lancaster, New York for the period January 1, 2006 to December 31, 2006 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES

January 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Christopher R. Glinski, 4 Country Place, Lancaster, New York, owner of Octane Auto Sales, has submitted an application for a Special Use Permit for a used automobile sales business in accordance with provisions of Chapter 50-Zoning, Section 20 (B) (1) (j) of the Code of the Town of Lancaster to be located at 5151 Genesee Street (southeast corner of Transit Road and Genesee Street) wherein the applicant will be a tenant of Eilien M. Leo, d/b/a Kovach Enterprises, and

WHEREAS, the property is currently zoned CMS - Commercial Motor Service which permits the sale of motor vehicles only where a special use permit is granted by the Town Board of the Town of Lancaster after a public hearing, and

WHEREAS, the owner of the property Eilien M. Leo, d/b/a Kovach Enterprises has provided a sworn statement that she has no objection to this proposed use by the tenant, and

WHEREAS, §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a used automobile sales business on premises locally known as 5151 Genesee Street in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 7th day of February, 2006, 8:30 o’clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 17, 2006

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT - Octane Auto Sales
5151 GENESEE STREET**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 17th day of January, 2006 the said Town Board will hold a Public Hearing on the 7th day of February, 2006, at 8:30 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Christopher R. Glinski, owner of Octane Auto Sales, for a Special Use Permit for a used automobile sales business on premises locally known as 5151 Genesee Street, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

January 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, BOWMANSVILLE VOLUNTEER FIRE ASSOCIATION, INC.,
MILLGROVE VOLUNTEER FIRE DEPARTMENT, INC., TOWN LINE VOLUNTEER FIRE
DEPARTMENT, INC., AND TWIN DISTRICT VOLUNTEER FIRE COMPANY, INC., have
heretofore entered into contracts with the Town of Lancaster to furnish fire protection to the
Town of Lancaster, and

WHEREAS, separate hearings on each fire protection contract for the above fire
companies were held on the 17th day of January, 2006, pursuant to legal notice duly given;

NOW, THEREFORE, BE IT

RESOLVED as follows:

1. That in accordance with Section 184 of the Town Law of the State of
New York, the Town Board of the Town of Lancaster hereby determines it is in the public
interest to enter into contracts with said fire companies, effective January 1, 2006, upon the
following general terms, to wit:
 - A. Each fire company shall answer and attend upon all calls within
the Fire Protection District, and provide emergency first aid and
rescue services as defined in Section 184 of the Town Law and
Section 209-b of the General Municipal Law, in that territory
described in said proposed contract filed in the Town Clerk’s
Office.
 - B. For such services, the said fire company shall receive payment
for one year commencing January 1, 2006 and terminating
December 31, 2006.
 - C. Such other incidental terms as may be necessary or proper in
connection with such contracting.
2. That the Supervisor execute and deliver an Agreement incorporating said
terms to said fire companies.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster accept completed Public Improvements within Roseland Subdivision within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated January 12, 2006, has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Roseland Subdivision, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

- P.I.P. No. 566 - Pavement & Curb
- P.I.P. No. 568 - Storm Sewer
- P.I.P. No. 569 - Water Line

and,

BE IT FURTHER

RESOLVED, that the Town Attorney is directed to attend to filing the deed causing the dedication of the road(s) to the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

WHEREAS, Justices Timothy Dwan and J. Michael Kelleher, of the Justice Department of the Town of Lancaster have requested the creation of one (1) position of Court Officer/Bailiff, part time in the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) to create one (1) position of Court Officer/Bailiff, part time in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 17, 2006

file: RPERS\RPERS.CRE (P9)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2006, entitled “SEX OFFENDER RESIDENCY PROHIBITION”, and further designated as Chapter 39, of the Code of the Town of Lancaster, which reads as follows:

Chapter 39

SEX OFFENDER RESIDENCY PROHIBITION

**Proposed
Local Law
Of the Year 2006**

A LOCAL LAW TO RESTRICT WHERE REGISTERED SEX OFFENDERS MAY RESIDE IN THE TOWN OF LANCASTER IN RELATION TO SCHOOLS, DAY CARE CENTERS, TEEN CLUBS, TEEN CENTERS, LANCASTER AND DEPEW BOYS AND GIRLS CLUBS, YMCA FACILITIES, TOWN OF LANCASTER PARKS AND PLAYGROUNDS, ANY OTHER STRUCTURE OR OPEN SPACE WHERE MINORS CONGREGATE FOR SPONSORED, PROGRAMMED ACTIVITIES AND ANY COMMUNITY CENTERS WHERE MINORS UNDER THE AGE OF 18 CONGREGATE.

SEX OFFENDER RESIDENCY PROHIBITION

- §39 - 1. Legislative intent.**
- §39 - 2. Residency Restrictions**
- §39 - 3. Penalties.**
- §39 - 4. When effective.**

BE IT ENACTED, by the Town Board of the Town of Lancaster, New York as follows:

§39 - 1. Legislative Intent.

The adoption of Megan’s Law has increased public awareness of sexual offenders by requiring them to become registered with authorities and making such information available to the public. The Town Board of the Town of Lancaster hereby enacts this local law to prevent sex offenders from residing or living near areas where children regularly meet and congregate. The Town Board of the Town of Lancaster believes this legislation is necessary to further protect the best interest of all children, and to protect the health, safety and welfare of residents in the Town of Lancaster.

§39 - 2. Residency Restrictions

No person over the age of eighteen (18) years, who has been convicted of a violation of a sexual offense upon a child of the age of sixteen (16) years or under, as defined by the New York State Penal Law, which would require that individual register as a sex offender under state and/or federal laws, shall be permitted to reside or live within one thousand five hundred (1,500) feet of the real property of any schools, day care centers, teen clubs, teen centers, Lancaster and Depew Boys and Girls Clubs, YMCA facilities, Town of Lancaster parks and playgrounds, any other structure or open space where minors congregate for sponsored, programmed activities and any community centers where minors under the age of 18 congregate unless such residence has been assigned by a supervised release program which provides close supervision of the sex offender’s daily activity, or the residency of said offender was established prior to the enactment of this legislation.

§39 - 3. Penalties.

Failure to comply with this section is considered a violation and may result in a fine of One Thousand Five Hundred Dollars (\$1,500.00) and/or imprisonment for fifteen (15) days.

§39 - 4. When effective.

This chapter shall become effective upon filing with the Secretary of State.

**NOW, THEREFORE, BE IT
RESOLVED,** as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2006, entitled “Sex Offender Residency Prohibition ” and further designated as Chapter 39 of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:35 o’clock P.M., Local Time, on the 7th day of February, 2006, and that Notice of the Time and Place of such Hearing shall be published on January 19, 2006, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2006, entitled “Sex Offender Residency Prohibition” available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 17, 2006

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted January 17, 2006, the said Town Board will hold a Public Hearing on the 7th day of February, 2006 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2006, entitled "Sex Offender Residency Prohibition", and further designated as Chapter 39 of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW TO RESTRICT WHERE REGISTERED SEX
OFFENDERS MAY RESIDE IN THE TOWN OF LANCASTER IN
RELATION TO SCHOOLS, DAY CARE CENTERS, TEEN CLUBS,
TEEN CENTERS, LANCASTER AND DEPEW BOYS AND GIRLS
CLUBS, YMCA FACILITIES, TOWN OF LANCASTER PARKS AND
PLAYGROUNDS, ANY OTHER STRUCTURE OR OPEN SPACE
WHERE MINORS CONGREGATE FOR SPONSORED,
PROGRAMMED ACTIVITIES AND ANY COMMUNITY CENTERS
WHERE MINORS UNDER THE AGE OF 18 CONGREGATE."**

A complete copy of this proposed Local Law of the Year 2006, entitled "Sex Offender Residency Prohibition", and designated as Chapter 39 of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By:

**JOHANNA M. COLEMAN
Town Clerk**

January 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously been apprised by the Village of Lancaster Historic District Commission that it was seeking funding from both the Town and the Village of Lancaster to produce a publication recounting the history and architecture of the community, and

WHEREAS, the Historic District Commission has now notified the Town that it is prepared to move to press with its printer and has requested that the Town and the Village each provides a sum of \$7,500 to Parinello Printing for the production of the publication as beforementioned, and

WHEREAS, the Historic District Commission has resolved that any funds from the sale of the publication will be returned to the Village and Town in proportion to the funds provided for the publication, and

WHEREAS, the Town Board has given due review and consideration to the request of the Historic Preservation Commission and deems it appropriate to make a contribution for this community related publication;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to expend the sum of \$7,500 for the Town of Lancaster’s contribution to the Historic District Commission for the publication of a book relating to the history and architecture of the community with the understanding that the Commission will return funds to the Town as books are sold to the public.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 166 to Claim No. 482 Inclusive

Total amount hereby authorized to be paid: \$240,175.14

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 17, 2006

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby
reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

13444	Transit French Assoc.	4779 Transit Rd	Er. Sign-Temp	
13445	Schlager, Scott	9 Creekwood Dr	Er. Fence	
13446	Gubala, Peter	5608 Broadway	Repair Roof	(V/L)
13447	Cottet Construction	5998 Broadway	Er. Res. Add.	
13448	Ewing, Nancy	2757 Wehrle Dr	Er. Deck	
13449	Blersch, Mark	39 Sussex Ln	Er. Shed	
13450	N.A.S. Quick Sign Inc	4430 Walden Ave	Er. Sign	
13451	SBS Home Improv.	5 Chestnut Corner	Er. Res. Alt.	
13452	Forbes-Capretto Homes	6 Overlook Ct	Er. Dwlg.-Sin.	
13453	Custom Patio Homes	14 Clermont Ct	Er. Res. Add.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for
sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance
requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for
conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town
Ordinance required for sidewalks, however, the waiver is granted upon the expressed
condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk
installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Stempniak, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Forbes Homes, Inc., 2635 Millersport Hwy, Getzville, New York, has requested the Town Board of the Town of Lancaster accept work completed under Street Lighting Public Improvement within Columbia Gardens Subdivision within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of this public improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Columbia Gardens Subdivision be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 610 - Street Lights
and,

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 17, 2006

COMMUNICATIONS & REPORTS:

25. Planning Board to Town Board -
Recommend approval regarding rezone petition of 470 Aurora Street; conditions noted. DISPOSITION = Public Hearing 1/17/06
26. Planning Board to Town Board -
Recommend approval regarding preliminary plat plan of Pleasant Meadows Subdivision, 104 patio homes; condition noted. DISPOSITION = Planning Committee
27. Planning Board to Town Board -
Notice of adjournment to January 4, 2006 meeting regarding site plan of Pilot Travel Center, Transit Road; comment noted. DISPOSITION = Received & Filed
28. Town Clerk to Town Board -
Transmittal of monthly report for December 2005. DISPOSITION = Received & Filed
29. Town Clerk to Town Board -
Special Use Permit for Octane Auto Sales - Christopher Glinski, 5151 Genesee Street. DISPOSITION = for Public Hearing
30. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held December 21, 2005. DISPOSITION = Received & Filed
31. Planning Board to Town Board -
Recommend approval to rework Town of Lancaster Master Plan Additional Comments of multiple pages into one document; comment noted. DISPOSITION = For Resolution
32. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting to be held Wednesday, January 11, 2006, 9:30 AM in Buffalo. DISPOSITION = Received & Filed
33. NYS DEC to Town Board -
Notice of availability of funds for water quality improvement projects. DISPOSITION = Received & Filed
34. Erie County Department of Environment & Planning to Supervisor -
Notice of non-inclusion in Community Development Block Grant Consortium funding for 2006. DISPOSITION = Received & Filed
35. Erie County Department of Environment & Planning to Town Board -
Transmittal of Erie County Community Development Consortium Quarterly Report - 10/1/05 - 12/31/05. DISPOSITION = Received & Filed
36. Town Clerk to Town Board -
Transmittal of Town Clerk's Annual Report for 2005. DISPOSITION = Received & Filed
37. Town Clerk to Various News Media -
Notice of meetings of official bodies of the Town. DISPOSITION = Received & Filed
38. Amvets Buddy Knaus Post #14 to Town Board -
Request permission to hold bingo occasions within the Town. DISPOSITION = Town Clerk
39. General Crew Chief to Council Member Montour, Tree Program Chairman -
Request resolution to advertise for bidders for Town Tree Planting Program for 2006. DISPOSITION = Resolution 1/17/06

40. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -
Notification of no concerns regarding preliminary plat plan for Pleasant Meadows Subdivision, Phase II. DISPOSITION = Planning Committee
41. Roy Schneggenburger to Town Board -
Letter regarding freedom, World War II, public comment and FOIL.
DISPOSITION = Town Clerk
42. Erie County Executive to Supervisor -
Notice of funding assistance for Senior Van through Erie County Consortium Community Development Block Grant Program. DISPOSITION = Received & Filed
43. James Keysa to Supervisor -
Letter regarding publication of book by Village of Lancaster Historic District Commission. DISPOSITION = Resolution 1/17/06

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER MONTOUR, AND CARRIED, the meeting was adjourned at 10:33 P.M.

Signed _____
Johanna M. Coleman, Town Clerk

